

OAK TREE LAW

JULIE J. VILLALOBOS, Esq., SBN 263382
LAWRENCE R. FIESELMAN, Esq., SBN 81872

Email: litigation@oaktreelaw.com

10900 183rd Street, Suite 270

Cerritos, California 90703

Telephone: (562) 356-9957

Facsimile: (562) 375-4570

Attorneys for Plaintiff, OKECHUKWU
OBIOMA UKAEGBE

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

OKECHUKWU OBIOMA UKAEGBE,

Plaintiff,

VS.

SELECT PORTFOLIO SERVICING, INC., a
Utah financial institution; BANK OF
AMERICA, N.A., a Delaware financial
institution; NATIONAL DEFAULT
SERVICING CORPORATION, an Arizona
financial institution; and DOES 1 TO 100,
inclusive,

Defendants.

Case No.: 2:15-cv-03584-CAS-JEM

**REPLY TO OPPOSITION TO
MOTION FOR ORDER
PERMITTING WITHDRAWAL
OF PLAINTIFF'S COUNSEL**

Date: March 7, 2016

Time: 10:00 a.m.

Ctrm: 5

Complaint filed April 9, 2015

Trial Date: August 2, 2016

Hone. CHRISTINA A. SNYDER
Judge

Counsel for plaintiff, OAK TREE LAW, movant herein, submits the following
Reply to the opposition to its motion to withdraw filed by counsel for Select Portfolio
Servicing, Inc., and National Default Servicing Corp.

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1 No Delay Will Result From the Granting of this Motion.

2 Trial in this matter is scheduled for August 2, 2016, nearly six months from today.

3 Plaintiff will have more than adequate time to secure replacement counsel, should he
4 elect to do so and proceed with this case. Thus, no prejudice will result to plaintiff from
5 the granting of this motion.

6 Similarly, no prejudice will result to defendants in that:

- 7 1. Counsel can still bring his dismissal motion referenced in his opposition;
8 2. Counsel admits they are prepared to go forward with the case, trial of which is
9 in six months.
10 3. Because counsel is prepared to go forward with the case there is no need to
11 continue the trial;
12 4. If the discovery cut-off is extended so that opposing counsel can re-schedule
13 plaintiff's deposition, counsel will be in the same position then as he is now,
14 i.e., plaintiff is not likely to appear for his deposition. Therefore, extending the
15 discovery cut-off date would serve no useful purpose.

16 Prejudice Will Result to Movant if the Motion is Not Granted.

17 Although no prejudice will result to defendants if the court grants the motion the
18 same is not true for counsel for plaintiff.

19 Counsel will be required to continue in the case, representing an uncooperative and
20 obstreperous client without compensation.

21 Conclusion.

22 Whether movant remains as counsel for plaintiff or is allowed to withdraw will not
23 affect defendant's conduct of it defense. Defendant is prepared for trial but wishes to take
24 plaintiff's deposition. If plaintiff fails to appear for his deposition defendants can move
25 for sanctions and/or dismissal whether or not plaintiff is represented by counsel.

26 If plaintiff does appear for his deposition, and the case continues, plaintiff has six
27 months in which to secure substitute counsel.

28 /

1 Allowing Oak Tree Law to withdraw prejudices no one. Oak Tree Law respectfully
2 asks the court to grant it motion.

3
4 Dated: February 17, 2016.

OAKTREE LAW

/s/ Lawrence R. Fieselman

6 By: _____

7 JULIE J. VILLALOBOS

8 LAWRENCE R. FIESELMAN

9 Attorneys for Plaintiff
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PROOF OF SERVICE BY MAIL

I am over the age of 18 years and not a party to this action. My business address is 10900 183rd Street, Suite 270, Cerritos CA 90703.

On February 17, 2016, I served a copy of the foregoing document entitled **REPLY TO OPPOSITION TO MOTION FOR ORDER PERMITTING WITHDRAWAL OF PLAINTIFF'S COUNSEL** on the interested parties by placing a copy thereof in a sealed envelope and depositing the same into the United States Mail at Cerritos CA, with postage fully prepaid thereon, addressed as follows:

SHANNON J. MCGINNIS, Esq.
JEFFREY N. WILLIAMS, Esq.
WARGO & FRENCH LLP
1888 Century Park East, Suite 1520
Los Angeles CA 90067

Also, on the same date, I emailed a copy of the foregoing document as follows:
smcginnis@wargofrench.com and jwilliams@wargofrench.com.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed at Cerritos CA on February 17, 2016.

/S/ Lawrence R. Fieselman

LAWRENCE R. FIESELMAN